

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Gregory M. Chaklos
Kim L. Chaklos
Debtor(s)

Bankruptcy Case No.: 15-22705-CMB
Issued Per June 30, 2016 Proceeding
Chapter: 13
Docket No.: 67 – 37, 59
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated October 22, 2015 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$3,458 as of July 2016. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: The claim of Home Point Financial Corp. at Claim No. 22-2 shall govern with all payment changes to be followed.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: July 12, 2016

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Gregory M. Chaklos
 Kim L. Chaklos
 Debtors

Case No. 15-22705-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

Page 1 of 2
 Total Noticed: 38

Date Rcvd: Jul 12, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 14, 2016.

db/jdb
 cr +Gregory M. Chaklos, Kim L. Chaklos, P.O. Box 11, Eighty Four, PA 15330-0011
 +Bethel Park School District, c/o Maiello Brungo & Maiello, LLP, 100 Purity Road, Suite 3, Pittsburgh, PA 15235-4441
 cr +USAA Federal Savings Bank, c/o Weinstein & Riley, P.S., 260 W. 36th Street, 8th Floor, New York, NY 10018-7560
 14083234 +Allegent Community Federal Credit Union, 1001 Liberty Avenue, Suite 100, Pittsburgh, PA 15222-3715
 14131662 CAPITAL ONE, N.A., C/O BECKETT AND LEE LLP, POB 3001, MALVERN, PA 19355-0701
 14122885 +Claire C. Vatz, MA CCC, Inc., 250 Mt. Lebanon Blvd. Suite 411, Pittsburgh PA 15234-1249
 14122886 +Comenity Bank/Christopher & Banks, PO Box 182118, Columbus OH 43218-2118
 14122887 +Comenity Bank/New York & Company, PO Box 182125, Columbus OH 43218-2125
 14122888 +Comenity Bank/Roamans, PO Box 182125, Columbus OH 43218-2125
 14122889 +Comenity Bank/Value City, PO Box 182125, Columbus OH 43218-2125
 14083240 +Home Point Financial, PO box 77404, Ewing, NJ 08628-6404
 14154045 +Home Point Financial Corp, Cenlar FSB, 425 Phillips Boulevard, Ewing, NJ 08618-1430
 14083241 +Macy's/DSNB, PO Box 8218, Mason, OH 45040-8218
 14083242 +Maverick Funding Corp, 1160 Parsippany Blvd, Suite B, Parsippany, NJ 07054-1811
 14116057 +Midland Credit Management, Inc. as agent for, Midland Funding LLC, PO Box 2011, Warren, MI 48090-2011
 14138778 +Midnight Velvet, c/o Creditors Bankruptcy Service, P.O. Box 800849, Dallas, TX 75380-0849
 14083243 Navy Federal Credit Union, PO Box 3700, Attn Cbr Disputes, Merrifield, VA 22119-3700
 14088326 +PNC BANK, N.A., PO BOX 94982, CLEVELAND, OHIO 44101-4982
 14083245 +PNC Bank, 2730 Liberty Avenue, Pittsburgh, PA 15222-4747
 14145142 +Quantum3 Group LLC as agent for, Department Store National Bank, PO Box 657, Kirkland, WA 98083-0657
 14138777 +Seventh Avenue, c/o Creditors Bankruptcy Service, P.O. Box 800849, Dallas, TX 75380-0849
 14083246 +Tri Boro Federal Credit Union, 617 East McMurray Road, Canonsburg, PA 15317-3497
 14083247 +USAA Credit Card Payments, 10750 McDermott Freeway, San Antonio, TX 78288-1600
 14083248 +USAA Federal Savings Bank, PO Box 33009, San Antonio, TX 78265-3009

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr E-mail/PDF: rmscedi@recoverycorp.com Jul 13 2016 01:27:14
 Recovery Management Systems Corporation, 25 S.E. Second Avenue, Suite 1120, Miami, FL 33131-1605
 14083233 +E-mail/Text: servicing@afcfirst.com Jul 13 2016 01:34:20 AFC First Financial Corp, 1005 Brookside Rd., PO Box 3558, Allentown, PA 18106-0558
 14128723 +E-mail/Text: BankruptcyNotices@aafes.com Jul 13 2016 01:33:41
 Army & Air Force Exchange Services, c/o Bass & Associates, P.C., 3936 E. Ft. Lowell Suite 200, Tucson, AZ 85712-1083
 14083235 E-mail/Text: BankruptcyNotices@aafes.com Jul 13 2016 01:33:41 Army Airforce Exchange, 3911 S Walton Walker Blvd, Dallas, TX 75236
 14083236 +E-mail/Text: bankruptcy@clearviewfcu.org Jul 13 2016 01:34:00
 Clearview Federal Credit Union, 8805 University Blvd., Moon Twp, PA 15108-4212
 14083237 +E-mail/PDF: gecsedirecoverycorp.com Jul 13 2016 01:27:23 GECRB/JC Penneys, PO Box 965007, Orlando, FL 32896-5007
 14083238 +E-mail/PDF: gecsedirecoverycorp.com Jul 13 2016 01:27:23 GECRB/Lowes, PO BOX 965005, Orlando, FL 32896-5005
 14083239 E-mail/PDF: gecsedirecoverycorp.com Jul 13 2016 01:27:36 GECRB/Sam's Club, P O Box 965005, Orlando, FL 32896-5005
 14122890 +E-mail/Text: bnckohlsnotices@becket-lee.com Jul 13 2016 01:33:42 Kohl's, PO Box 3084, Milwaukee WI 53201-3084
 14104368 +E-mail/Text: ext_ebn_inbox@navyfederal.org Jul 13 2016 01:34:26 NAVY FEDERAL CREDIT UNION, P. O. BOX 3000, MERRIFIELD, VA 22119-3000
 14083244 +E-mail/Text: ext_ebn_inbox@navyfederal.org Jul 13 2016 01:34:26 Navy Federal Credit Union, PO Box 3500, Merrifield, VA 22119-3500
 14089343 E-mail/PDF: rmscedi@recoverycorp.com Jul 13 2016 01:27:26
 Recovery Management Systems Corporation, 25 S.E. 2nd Avenue, Suite 1120, Miami, FL 33131-1605
 14146958 +E-mail/Text: mjoyce@triboro-fcu.org Jul 13 2016 01:34:24 Tri Boro Federal Credit Union, 600 East 8th Avenue, Munhall, PA 15120-1900
 14118739 +E-mail/Text: bncmail@w-legal.com Jul 13 2016 01:34:06 USAA FEDERAL SAVINGS BANK, C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
 TOTAL: 14

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Home Point Financial Corporation

TOTALS: 1, * 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

District/off: 0315-2

User: jhel
Form ID: 149

Page 2 of 2
Total Noticed: 38

Date Rcvd: Jul 12, 2016

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 14, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 12, 2016 at the address(es) listed below:

Andrew F Gornall on behalf of Creditor Home Point Financial Corporation
agornall@goldbecklaw.com, bkgroup@goldbecklaw.com;bkgroup@kmlawgroup.com
Brian C. Thompson on behalf of Debtor Gregory M. Chaklos bthompson@ThompsonAttorney.com,
blemon@thompsonattorney.com;LaurenKelly@thompsonattorney.com;jwrzosek@thompsonattorney.com;mgille
spie@thompsonattorney.com;azema@ecf.inforuptcy.com;noreply@thompsonattorney.com;nfulk@thompsonatt
orney.com;mhodge@thom
Brian C. Thompson on behalf of Joint Debtor Kim L. Chaklos bthompson@ThompsonAttorney.com,
blemon@thompsonattorney.com;LaurenKelly@thompsonattorney.com;jwrzosek@thompsonattorney.com;mgille
spie@thompsonattorney.com;azema@ecf.inforuptcy.com;noreply@thompsonattorney.com;nfulk@thompsonatt
orney.com;mhodge@thom
Daniel Brett Sullivan on behalf of Creditor USAA Federal Savings Bank BNCmail@w-legal.com,
DanS@w-legal.com
Jennifer L. Cerce on behalf of Creditor Bethel Park School District jlc@mbm-law.net
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 7